

tincture of benzoin because of failure of the labels to bear a statement of the quantity or proportion of alcohol contained in the articles.

On March 22, 1939, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ideal Laboratories, Inc., Denver, Colo., alleging shipment by said company in violation of the Food and Drugs Act, within the period from on or about May 5 to on or about June 30, 1938, from the State of Colorado into the States of Wyoming and Montana of quantities of the forementioned pharmaceuticals which were misbranded.

The sweet spirit of nitre was alleged to be misbranded in that the statement on the label, "Sweet Spirit Nitre U. S. P.," was false and misleading, since it represented that the article conformed to the standard laid down in the United States Pharmacopoeia for spirit of nitre, i. e., that it contained not more than 4.5 percent of ethyl nitrite; whereas it did not conform to such standard in that it contained more than 4.5 percent, i. e., not less than 5.33 percent, of ethyl nitrite.

The peroxide of hydrogen was alleged to be misbranded in that the statement on the label, "Active Ingredients: H-2, O-2, 5.1%," was false and misleading, since it represented that the article contained 5.1 percent of H₂O₂ (hydrogen peroxide), whereas it contained more than 5.1 percent of hydrogen peroxide, samples from the two shipments having been found to contain 8.17 percent and 8.28 percent, respectively, of hydrogen peroxide.

The tincture of benzoin and compound tincture of benzoin were alleged to be misbranded in that they contained alcohol and their labels failed to bear a statement of the quantity or proportion of alcohol that they contained.

The spirit of camphor was alleged to be misbranded in that the statement on the label, "Spirit Camphor U. S. P.," was false and misleading, since it represented that the article conformed to the standard laid down in the United States Pharmacopoeia for spirit of camphor, i. e., that it contained in each 100 cubic centimeters not less than 9.5 grams of camphor; whereas it did not conform to such standard in that it contained less than 9.5 grams of camphor in each 100 cubic centimeters.

On May 29, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$150.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30615. Adulteration and misbranding of gauze pads and gauze bandages. U. S. v. 28 Cartons of Nicollet Dispensary Gauze Pads (and 2 other seizure actions against similar products). Default decrees of condemnation and destruction. (F. & D. Nos. 44681, 44753, 45254. Sample Nos. 35128-D, 35129-D, 35131-D, 48223-D, 48234-D.)

These products had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination they were found to be contaminated with viable micro-organisms.

On January 14, January 31, and May 1, 1939, the United States attorneys for the District of Minnesota and the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 170 cartons of gauze pads at Minneapolis, Minn., and 148 cartons of gauze pads and 97 cartons of gauze bandages at Baltimore, Md.; alleging that the articles had been shipped within the period from on or about August 10, 1938, to on or about February 16, 1939, by Handy Pad Supply Co. from Worcester, Mass.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that their purity fell below the professed standard or quality under which they were sold, in that they were represented to be sterile products; whereas they were not sterile but were contaminated with viable micro-organisms.

Misbranding was alleged in that the following statements appearing variously in the labeling were false and misleading when applied to articles that were not sterile: (Pads) "Gauze Pads Sterilized after packaging at 250° Fahr.," "Sterilized after Packaging," "Dispensary Gauze Pads," "Prepared For the Medical Profession"; (bandages) "Sterilized," "Surgical Gauze Bandage," "Sterilized after Packaging," "Prepared especially For The Medical Profession," "This bandage has been carefully manufactured under most sanitary conditions, for surgical use."

On March 16, April 27, and May 23, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*